

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LANCE SIEGALL, et al.,

No. C 05-2146 SBA

Plaintiffs

**ORDER**

v.

[Docket No. 21]

TIBCO SOFTWARE, INC., et al.,

Defendants.

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On July 25, 2005, Ralph Fenton and Sathya Rajasubramanian ("the Fenton Group") filed a Motion for Consolidation of Case Nos. 05-2146, 05-2205 and 05-2373, Appointment of Lead Plaintiffs, and Approval of Lead Plaintiffs' Selection of Lead Counsel ("Motion for Consolidation") [docket no. 21.] Civil Local Rule 3-7 sets forth the filing and certification requirements which parties must observe in private securities actions brought in the Northern District of California. Civil Local Rule 3-7(c) states: "Any party seeking to serve as lead plaintiff, but who does not also file a complaint, need not file the certification required in Civil L.R. 3-7(b), but must at the time of initial appearance state that the party has reviewed a complaint filed in the action and either: (1) Adopts its allegations or, if not, (2) Specifies the allegations the party intends to assert."

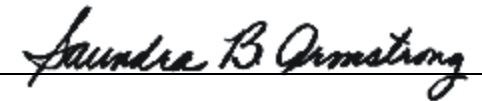
Neither member of the Fenton Group has filed a complaint in this matter. Additionally, while the certifications submitted by the Fenton Group state a complaint in this matter was reviewed, neither certification specifies which complaint was reviewed, whether either proposed Lead Plaintiff adopts the

1 allegations of the complaint reviewed, or, which allegations he or she intends to assert. Consequently, the  
2 Fenton Group has not complied with Civil Local Rule 3-7(c).

3 The Fenton Group is to submit within ten (10) days of the date of this Order amended certifications  
4 which comply with Civil Local Rule 3-7(c). Upon receipt of the amended certifications, the Court will take  
5 under submission the Fenton Group's Motion for Consolidation. If Defendants have any objections to this  
6 motion, they shall file them within three days of the submission of the amended certifications.

7  
8 IT IS SO ORDERED.

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11 Dated: November 14, 2005



SAUNDRA BROWN ARMSTRONG

United States District Judge